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Planning Commission Staff Report

TO: PLANNING COMMISSION

FROM: ASHLEE MACDONALD, AICP, SENIOR PLANNER *Am*
(480) 503-6748, ASHLEE.MACDONALD@GILBERTAZ.GOV

THROUGH: CATHERINE LORBEER, AICP, PRINCIPAL PLANNER *chl*
(480) 503-6016, CATHERINE.LORBEER@GILBERTAZ.GOV

MEETING DATE: MARCH 7, 2018

SUBJECT: Z17-1021 GILBERT TOWN CENTER: REQUEST TO AMEND ORDINANCE NO. 2509 TO AMEND THE CONDITIONS OF DEVELOPMENT AND THE DEVELOPMENT PLAN WITHIN THE GILBERT TOWN CENTER PLANNED AREA DEVELOPMENT (PAD) FOR APPROXIMATELY 14.69 ACRES OF REAL PROPERTY GENERALLY LOCATED AT THE SOUTHEAST CORNER OF GILBERT AND WARNER ROADS, CONSISTING OF APPROXIMATELY 14.69 ACRES OF REGIONAL COMMERCIAL (RC) ZONING DISTRICT WITH A PLANNED AREA DEVELOPMENT (PAD) OVERLAY.

STRATEGIC INITIATIVE: Community Livability

This project would allow for new commercial development to serve the surrounding area

RECOMMENDED MOTION

For the reasons set forth in the staff report, move to recommend approval to the Town Council for Z17-1021, as requested, subject to the conditions listed in the staff report.

APPLICANT/OWNER

Company: Beus Gilbert PLLC
Name: Paul Gilbert/Dennis Newcombe
Address: 701 N 44th. Street

Company: Gilbert Warner LLC
Name: Stephen Herman
Address: 5920 S. Rainbow Blvd. Ste 11

Phoenix, AZ 85008
Phone: 480-429-3002/480-429-3065
Email: pgilbert@beusgilbert.com

Las Vegas, NV 89118
Phone: 602-753-3729
Email: seh@camcre.com

BACKGROUND/DISCUSSION

History

Date	Description
<i>October 25, 2005</i>	Town Council approved GP05-07 (Res. No. 2649), amending the Land Use Designation to Regional Commercial (RC), for Gilbert Town Center, for approx. 37 acres; and Town Council approved Z05-14 (Ord. No. 1689), rezoning the subject site from Shopping Center (SC) zoning district with a PAD overlay to Regional Commercial (RC) zoning district with a PAD overlay.
<i>December 7, 2005</i>	The Planning Commission approved UP05-12, a use permit for a 1,206 unit multi-family residential development as part of an integrated mixed use development plan and building height increase from 55' to 65' in height in the RC zoning district, on the 37 acre subject site.
<i>May 17, 2012</i>	Town Council approved Z12-02 (Ord. No. 2368), a rezoning request from 11.7 acres of Regional Commercial (RC) zoning district with a PAD overlay to Regional Commercial (RC) zoning district with a PAD overlay; in order to remove the 11.7 acre site from the requirements of the existing Gilbert Town Center PAD.
<i>October 1, 2014</i>	Planning Commission approved UP13-04, a use permit to allow Broadstone Civic Center, a multi-family development (Multi-Family in Regional Commercial).
<i>November 13, 2014</i>	Town Council approved Z13-08 (Ord No. 2509) removing the subject site from the Settler's Point PAD and Gilbert Town Square PAD and creating a new Gilbert Town Center PAD. Town Council upheld the Planning Commission approval of UP13-04 on appeal (AP14-05).
<i>February 7, 2018</i>	Planning Commission reviewed Z17-1021 as a study session item.

Overview

The subject property is located at the southwest corner of Gilbert and Warner Roads. The applicant is requesting an amendment to the existing Planned Area Development (PAD) overlay zoning district as well as Design Review approval in order to allow commercial development on site. The existing PAD provided for commercial development on site and included a plan of development that does not meet the vision of the applicant today.

The subject site is approximately 14.69 gross acres and zoned Regional Commercial (RC) with a Planned Area Development (PAD) overlay. Staff notes that although this application applies to

the 14.69 acres located on the hard corner of Gilbert and Warner Roads, the overall Gilbert Town Center PAD includes the Broadstone multi-family development located to the southeast of the existing Banner Health Center Site. The Broadstone apartment project was approved as a multi-family project permitted in the Regional Commercial zoning district as part of an integrated, mixed-use plan. As such, integration of the subject site with the existing multi-family is required. Staff does note that the planned connection along American Heroes Way has been established through the original PAD and is not being amended as part of this request.

Surrounding Land Use & Zoning Designations:

	Existing Land Use Classification	Existing Zoning	Existing Use
North	Residential >8-14 DU/Acre	Multi-Family/Low (MF/L)/PAD	Warner Road then Multi-family
South	Public Facilities/ Institutional	Public Facilities/ Institutional (PF/I)	Town of Gilbert Municipal Center Campus
East	Regional Commercial	Regional Commercial (RC)/PAD	Banner Health Center
West	Shopping Center	Shopping Center (SC)/PAD	Gilbert Road then existing retail
Site	Regional Commercial	Regional Commercial (RC)/PAD	Undeveloped

Rezoning

The Gilbert Town Center rezoning request is to amend Ordinance No. 2509 to change the conditions of development and the approved development plan. The existing plan of development included a multi-family component, which, per the LDC is “*Only permitted as part of an integrated, mixed-use plan.*” The proposed commercial development must integrate with the multi-family development off of Civic Center Drive and American Heroes Way, per the related Use Permit (UP13-04). The existing approval for the subject site included approximately 87,300sf of commercial uses, which integrated with the multi-family through a network of pedestrian pathways. The applicant, at the time, proposed four office buildings centrally located within the parcel with neighborhood retail closer to Warner Road.

The applicant has now proposed development located along Gilbert and Warner Roads with additional development along a central boulevard through the site. Staff has worked with the applicant to orient the buildings in a manner that supports a pedestrian experience and does not turn its back on the multi-family it is intended to integrate with. Staff notes that along Gilbert Road, a total of 43’ of landscaping is provided including the landscape within the right-of-way.

The applicant is not requesting a change in the zoning district, but has proposed two deviations. The first deviation request is to reduce the 50’ x 250’ arterial/arterial intersection street frontages landscape setback requirement to approximately a 10’ setback along Gilbert Road, 10’ at the corner, and a 25’ setback along Warner Road. The second request is to reduce the minimum landscape/building setbacks along Gilbert Road from 20’ to 10’, consistent with the above noted

landscape setback reduction. The applicant has provided information that the street frontage landscape reductions are requested due to the larger than typical right-of-way already provided at the intersection. This right-of-way accommodates an existing underground canal and utilities. Therefore, 90' of right-of way, to the centerline, is provided along Gilbert Road.

Project Data Table

Site Development Regulations	Required per LDC	Proposed
Maximum Building Height	55'	35'
Minimum Setback		
Front to ROW	25'	25'
Side to ROW	20'	10' (along Gilbert Rd)
Side to non-residential	20'	20'
Rear to non-residential	20'	20'
Minimum Perimeter Landscape Area		
Arterial Intersection	50' x 250'	10' depth along Gilbert Road 25' depth along Warner Road
Front to ROW	25'	25'
Side to ROW	20'	10' (along Gilbert Rd)
Side to non-residential	20'	20'
Rear to non-residential	20'	20'

At the February 7, 2018 Planning Commission study session, there was discussion related to the deviation requests and a need for the project to tie back to the multi-family portion of the Gilbert Town Center PAD. Updates to the design review application are underway and will be brought forward to the Planning Commission at a future hearing. Staff also recommends a condition that the applicant provide an entry node near Major A at the southeast corner of the overall site along American Heroes Way. This entry node would serve to invite pedestrians, especially people walking from the associated multi-family development. There were no other staff suggested changes to the development plan or deviation requests under Z17-1021.

PUBLIC NOTIFICATION AND INPUT

A notice of public hearing was published in a newspaper of general circulation in the Town, an official notice was posted in all the required public places within the Town and neighborhood notice was provided per the requirements of the Land Development Code Article 5.205.

A neighborhood meeting was held on May 9, 2017 at 6:00PM. Two residents attended the meeting. The residents were interested in what would be developed on the site.

Staff has received no comment from the public.

PROPOSITION 207

An agreement to “Waive Claims for Diminution in Value” pursuant to A.R.S. § 12-1134 was signed by the landowners of the subject site, in conformance with Section 5.201 of the Town of Gilbert Land Development Code. This waiver is located in the case file.

REASONS FOR THE RECOMMENDATION

1. The proposed zoning amendment conforms to the General Plan as amended, any applicable Specific Area Plan, neighborhood, or other plan and any overlay zoning district.
2. All required public notice has been conducted in accordance with applicable state and local laws.
3. All required public meetings and hearings have been held in accordance with applicable state and local laws.
4. The proposed rezoning supports the Town’s strategic initiative for Community Livability. It supports the motto “Gilbert: Clean, Safe, Vibrant.”

STAFF RECOMMENDATION

1. For the following reasons: the development proposal conforms to the intent of the General Plan and can be appropriately coordinated with existing and planned development of the surrounding areas, and all required public notice and meetings have been held, the Planning Commission moves to recommend approval of Z17-1021, an amendment to Ordinance No. 2509 to amend the conditions of development and the development plan within the Gilbert Town Center Planned Area Development (PAD) for approximately 14.69 acres of real property generally located at the southeast corner of Gilbert and Warner Roads, consisting of approximately 14.69 acres of Regional Commercial (RC) zoning district with a Planned Area Development overlay, subject to the following conditions, as amended. (additions shown in ALL CAPS, deletions shown in ~~strikeout~~):
 - a. ~~Dedication to Gilbert for Palm Street right of way that is adjacent to the Property, extending from Civic Center Drive to Gilbert Road shall be completed prior to or at the time of recordation of the final plat or sooner as required by the Town Engineer. Dedication of Palm Street shall be of a varying width and shall not be more than thirty three (33’) feet in width except at the intersection of Gilbert Road to accommodate the required turn lanes. Dedication shall be as required by the Town Engineer in order to facilitate the full width off-site improvements for a minor collector road, when combined with the Town of Gilbert property abutting Palm Street. The Town of Gilbert shall declare any required right of way south and west of the property line to allow the construction of any required improvement to Palm Street that extends onto Town of Gilbert property, and shall be made upon recordation of the final plat~~

- b. ~~Construction of off-site improvements to Palm Street~~ AMERICAN HEROES WAY ADJOINING THE PROPERTY, ~~extending from Civic Center Drive to Gilbert Road,~~ shall be completed prior to issuance of a certificate of occupancy or final approval of any building constructed on the Property. ~~Construction of Palm Street shall include complete half street improvements adjacent to the Property and shall utilize existing roadway improvements constructed on the property to the extent possible.~~ Construction of Palm Street shall include pavement widths to accommodate two travel lanes, with a turn lane added at the approach to Gilbert Road. Construction shall be as required by the Town Engineer in coordination with the existing and proposed future Town of Gilbert improvements abutting Palm Street. If Gilbert constructs the improvements required by this ordinance as part of its capital improvements program prior to development of the Property, Developer shall reimburse Gilbert for its reasonable costs of construction prior to issuance of a certificate of occupancy or final approval of any building constructed on the Property.
- e. ~~At the written request of Gilbert, Developer shall dedicate all necessary easements for the roadway improvements, including easements for drainage and retention and temporary construction easements. Failure to dedicate said easements within thirty (30) days after the date of Gilbert's written request may result in the reversion of the zoning of the Property to the prior zoning classification. The Town of Gilbert shall provide necessary easements for drainage, retention, and temporary construction easements for any half street improvements constructed on Town property. Such easements shall be granted upon issuance of the construction permit for Palm Street.~~
- d. The ownership, maintenance, landscaping, improvements and preservation of all common areas and open space areas, and landscaping within the rights-of-way shall be the responsibility of the adjacent property owner or a Property Owner's Association (POA), unless defined by a separate recorded agreement.
- e. Developer shall record easements for pedestrian, bicycle, multi-use or trail system purposes as determined by the final plat, at the time of final plat recordation, or Map of Dedication or earlier if required by the Town Engineer. In recognition of the modifications to the underlying zoning regulations set forth herein, such easements shall be open to public access and use.
- f. The Project shall be developed in conformance with Gilbert's zoning requirements for the zoning districts and all development shall comply with the Town of Gilbert Land Development Code, except as modified by the following:

	Proposed Development for Gilbert Town Center PAD for Southeast Parcel (Parcel 2) only: (Z13-08)
Building Step-back: Required	No Building Step-back.

	Proposed Development for Gilbert Town Center PAD for Southeast Parcel (Parcel 2) only: (Z13-08)
Minimum Building Setbacks: Front (Civic Center) Side (Palm Street) Rear	10' 10' 20'
Minimum Landscape Setbacks: Front (Civic Center) Side (Palm Street) Rear	20'* 20'* 20'
Separation Screen Walls within Landscape Setback: Not Permitted	Allow 6' partial view fence and community screen walls to be located within the required landscape setback.

*10' landscape setback is permitted where buildings are located within the required landscape setback.

	GILBERT TOWN CENTER PAD FOR SOUTHEAST OF GILBERT AND WARNER PARCEL (PARCEL 1) ONLY: (Z17-1021)
MINIMUM BUILDING SETBACKS: SIDE (Gilbert Road)	10'
MINIMUM LANDSCAPE SETBACKS: SIDE (GILBERT ROAD) ARTERIAL INTERSECTION (GILBERT RD) ARTERIAL INTERSECTION (WARNER RD)	10' 10' X 250' 25' X 250'

- g. Prior to submittal of construction drawings the applicant shall execute and record a Declaration of Covenants and Use Restrictions to prohibit any multi-family or single family residential use on the Restricted Property as defined in Exhibit 4 and presented at the Town Council public hearing on November 13, 2014.

H. THE APPLICANT SHALL PROVIDE AN ENTRY NODE NEAR MAJOR A AT THE SOUTHEAST CORNER OF THE OVERALL SITE ALONG AMERICAN HEROES WAY.

I. PORTIONS OF THE PROJECT ARE LOCATED WITHIN AN “AH” FLOOD ZONE AND THEREFORE ARE SUBJECT TO CHAPTER 34 OF THE GILBERT TOWN CODE. A CLOMR WAS JUST RECENTLY APPROVED BY FEMA FOR THE SITE (CASE 17-09-2769R). HOWEVER, THE EXISTING “AH” BOUNDARIES AS SHOWN ON FIRM PANEL 2733M DATED NOVEMBER 4,

2015 REMAIN IN FULL FORCE AND EFFECT UNTIL A FUTURE LOMR IS
APPROVED BY FEMA.

Respectfully submitted,

A handwritten signature in cursive script that reads "Ashlee MacDonald".

Ashlee MacDonald, AICP
Senior Planner

Attachments and Enclosures:

- 1) Notice of Public Hearing/Vicinity Map
- 2) Aerial Photo
- 3) Zoning Exhibit
- 4) Legal Description
- 5) Development Plan (Z17-1021)
- 6) Existing Development plan to be amended
- 7) Minutes from the Planning Commission Study Session of February 7, 2018

Notice of Intent

Z17-1021 Gilbert Town Center

Attachment 1: Notice of Public Hearing/Vicinity Map
March 7, 2018

PLANNING COMMISSION DATE:

Wednesday, March 7, 2018* TIME: 6:00 PM

TOWN COUNCIL DATE:

Thursday, April 5, 2018 * TIME: 6:30 PM

**LOCATION: Gilbert Municipal Center
Council Chambers**

50 E. Civic Center Drive

Gilbert, Arizona 85296

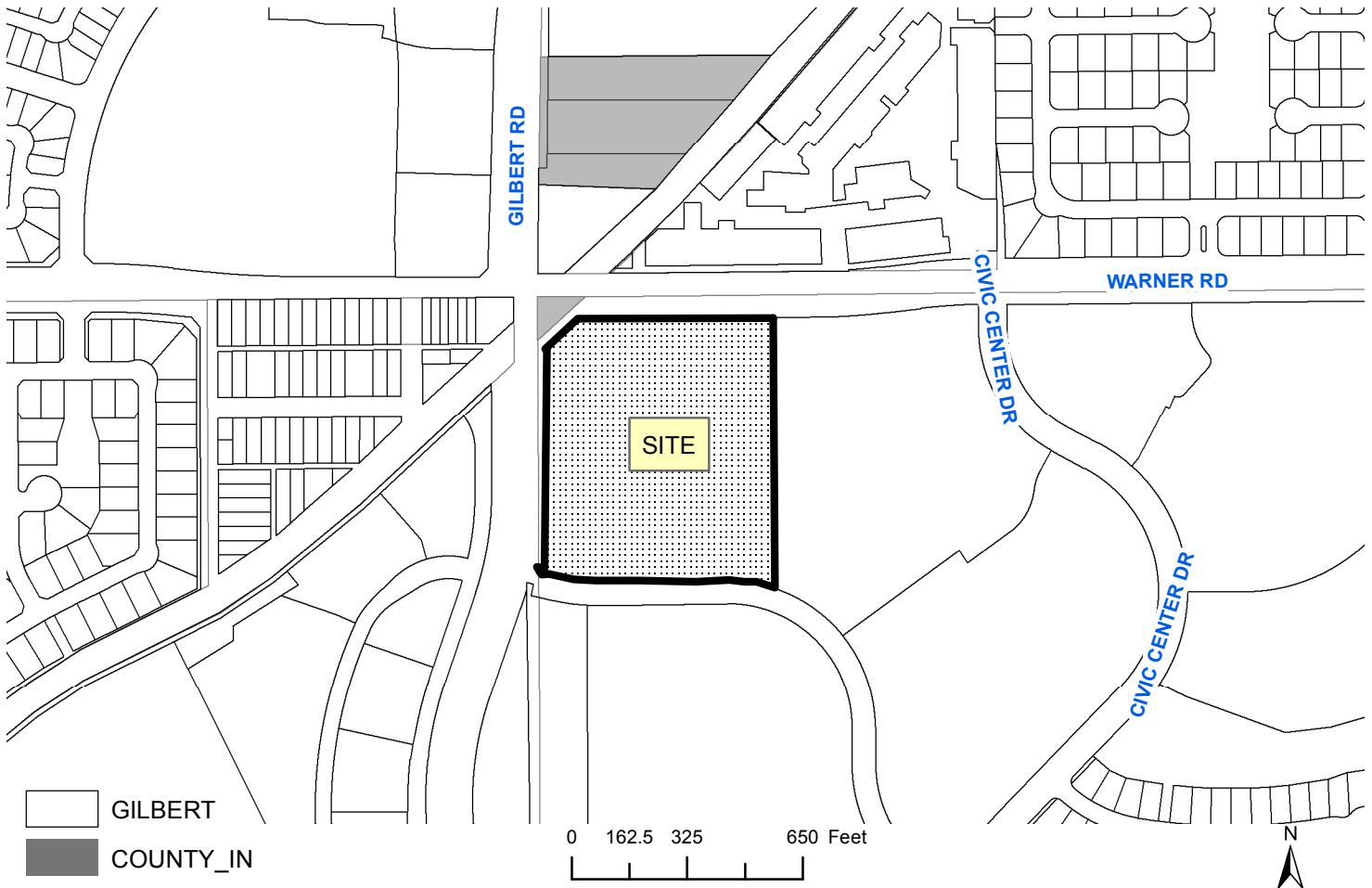
* Call Planning Department to verify date and time: (480) 503-6748

* The application is available for public review at the Town of Gilbert Development Services division Monday - Thursday 7 a.m. - 6 p.m. Staff reports are available prior to the meeting at <http://www.gilbertaz.gov/departments/development-services/planning-development/planning-commission> and <http://www.gilbertaz.gov/departments/clerk-s-office/boards-commissions/town-council>

REQUESTED ACTION:

Z17-1021 Gilbert Town Center: Request to amend Ordinance No. 2509 to amend the conditions of development and the development plan within the Gilbert Town Center Planned Area Development (PAD) for approximately 14.69 acres of real property generally located at the southeast corner of Gilbert and Warner Roads, consisting of approximately 14.69 acres of Regional Commercial (RC) zoning district with a Planned Area Development overlay zoning district as shown on the exhibit (map), which is available for viewing in the Planning and Development Services Office. The effect of this amendment will be to change the plan of development to allow for a reconfiguration of a previously approved commercial development and to reduce landscape and building setbacks.

SITE LOCATION:

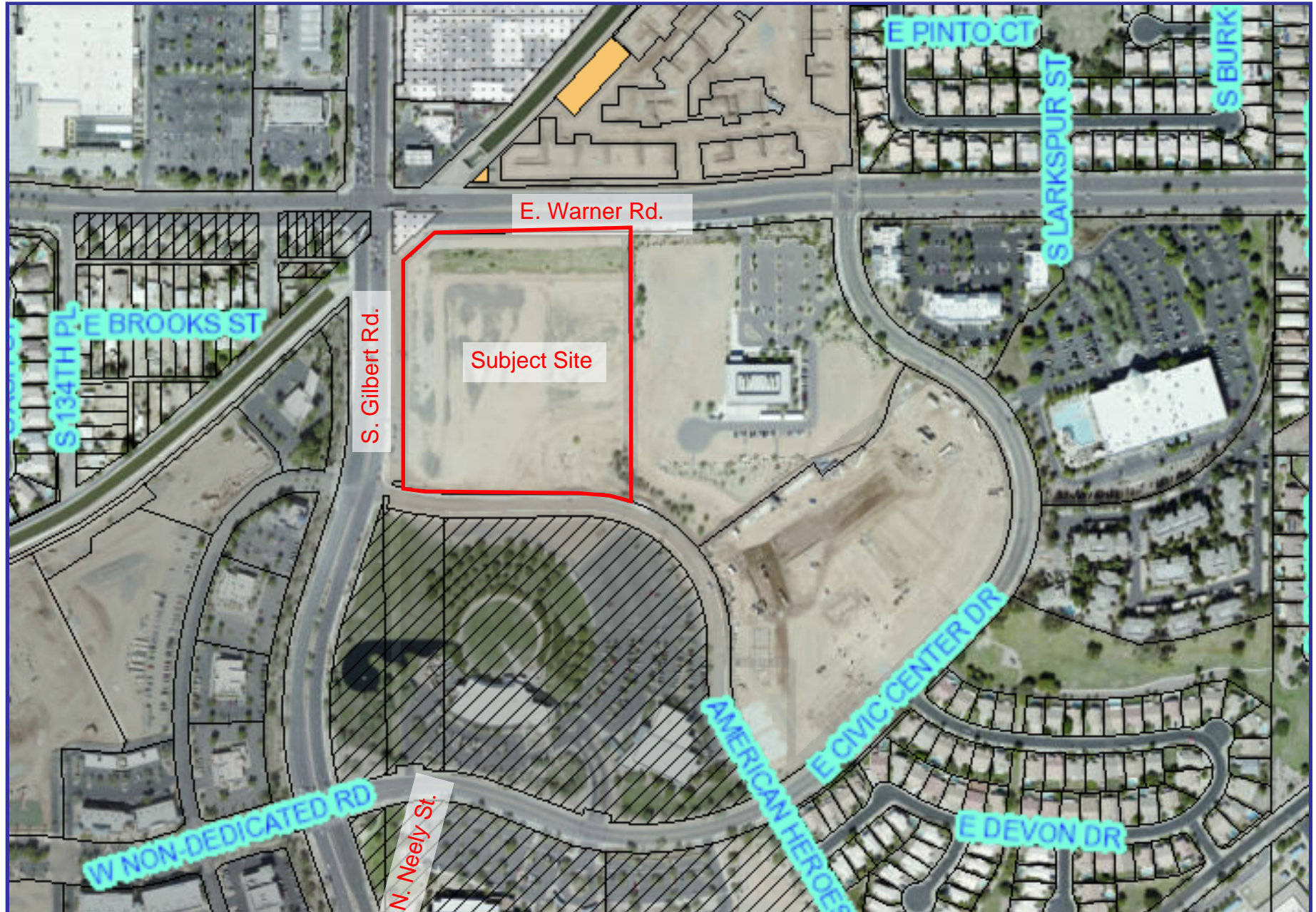


APPLICANT: Beus Gilbert PLLC
CONTACT: Paul Gilbert / Dennis Newcombe
ADDRESS: 701 North 44th Street
Phoenix, AZ 85008

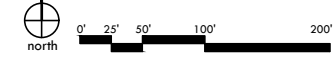
TELEPHONE: (480) 429-3002 / (480) 429-3065
E-MAIL: pgilbert@beusgilbert.com
dnewcombe@beusgilbert.com

AERIAL PHOTO

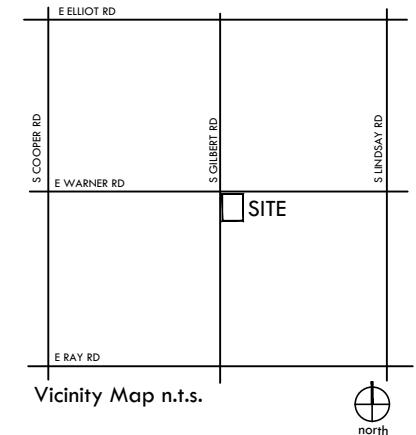
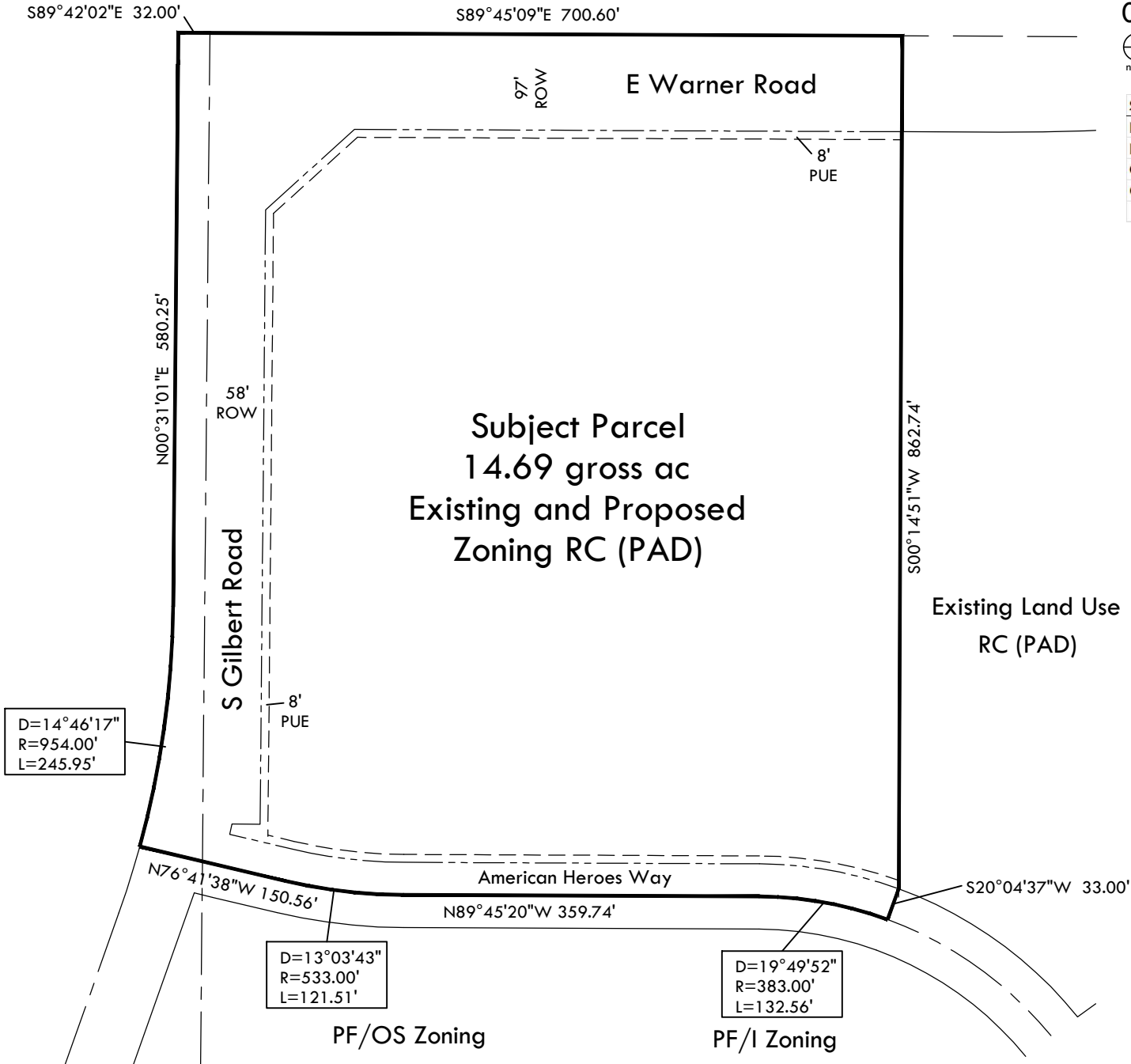
Gilbert Town Center - SEC Gilbert and Warner



Zoning Exhibit
02.12.18



SITE DATA			
Existing Zoning			RC-PAD
Proposed Zoning			RC-PAD
General Plan			RC
Overall Property		GROSS:	14.69 AC
		NET:	10.90 AC



**AZ GILBERT HOLDINGS, NORTHWEST PARCEL
GROSS BOUNDARY
LEGAL DESCRIPTION**

A portion of that certain document entitled Special Warranty Deed per document 2017-0477809 records of Maricopa County, Arizona and a portion of Tract 3 as shown on the Map of Dedication filed as Book 343, Page 14 records of Maricopa County, Arizona, being situated within Northwest Quarter of Section 19, Township 1 South, Range 6 East and a portion of Northeast quarter Section 24, Township 1 South, Range 5 East of the Gila and Salt River Meridian, Maricopa County, Arizona, being more particularly described as follows:

BEGINNING at a found brass cap in hand hole accepted as the Northwest corner of said Section 19, from which a found brass cap in hand hole accepted as the North Quarter corner of said Section 19 thereof bears South 89°45'09" East, 2529.22 feet;

Thence South 89°45'09" East, 700.60 feet along the north line of the Northwest Quarter of said Section 19, to the west line of Lot 1 as shown on the Final Plat of Banner Health Center as filed Book 1135, Page 46, records of Maricopa County, Arizona;

Thence leaving said north line, South 00°14'51" West, 862.74 feet along said west line;

Thence leaving said west line, South 20°04'37" West, 33.00 feet to the north line of Tract 2 of said Map of Dedication and to a non-tangent curve, concave southwesterly, having a radius of 383.00 feet, the center of which bears South 20°04'32" West;

THENCE THE FOLLOWING FOUR (4) COURSES ALONG SAID NORTH LINE;

Thence northeasterly along said curve, through a central angle of 19°49'52", an arc length of 132.56 feet to a tangent line;

Thence North 89°45'20" West, 359.74 feet to the beginning of a tangent curve concave northerly, having a radius of 533.00 feet;

Thence northwesterly along said curve, through a central angle of 13°03'43", an arc length of 121.51 feet to a tangent line;

Thence North 76°41'38" West, 150.56 feet to a non-tangent curve, concave westerly, having a radius of 954.00 feet, the center of which bears North 74°42'44" West;

Thence leaving said north line and northerly along said curve, through a central angle of $14^{\circ}46'17''$, an arc length of 245.95 feet to a tangent line;

Thence North $00^{\circ}31'01''$ East, 580.25 feet, to a point on the north line of the Northeast Quarter of said Section 24;

Thence along said north line South $89^{\circ}42'02''$ East, 32.00 feet to the **POINT OF BEGINNING**.

The above described parcel contains a computed area of 639970 sq. ft. (14.6917 acres) more or less and being subject to any easements, restrictions, rights-of-way of record or otherwise.

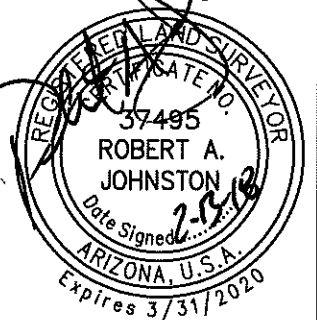
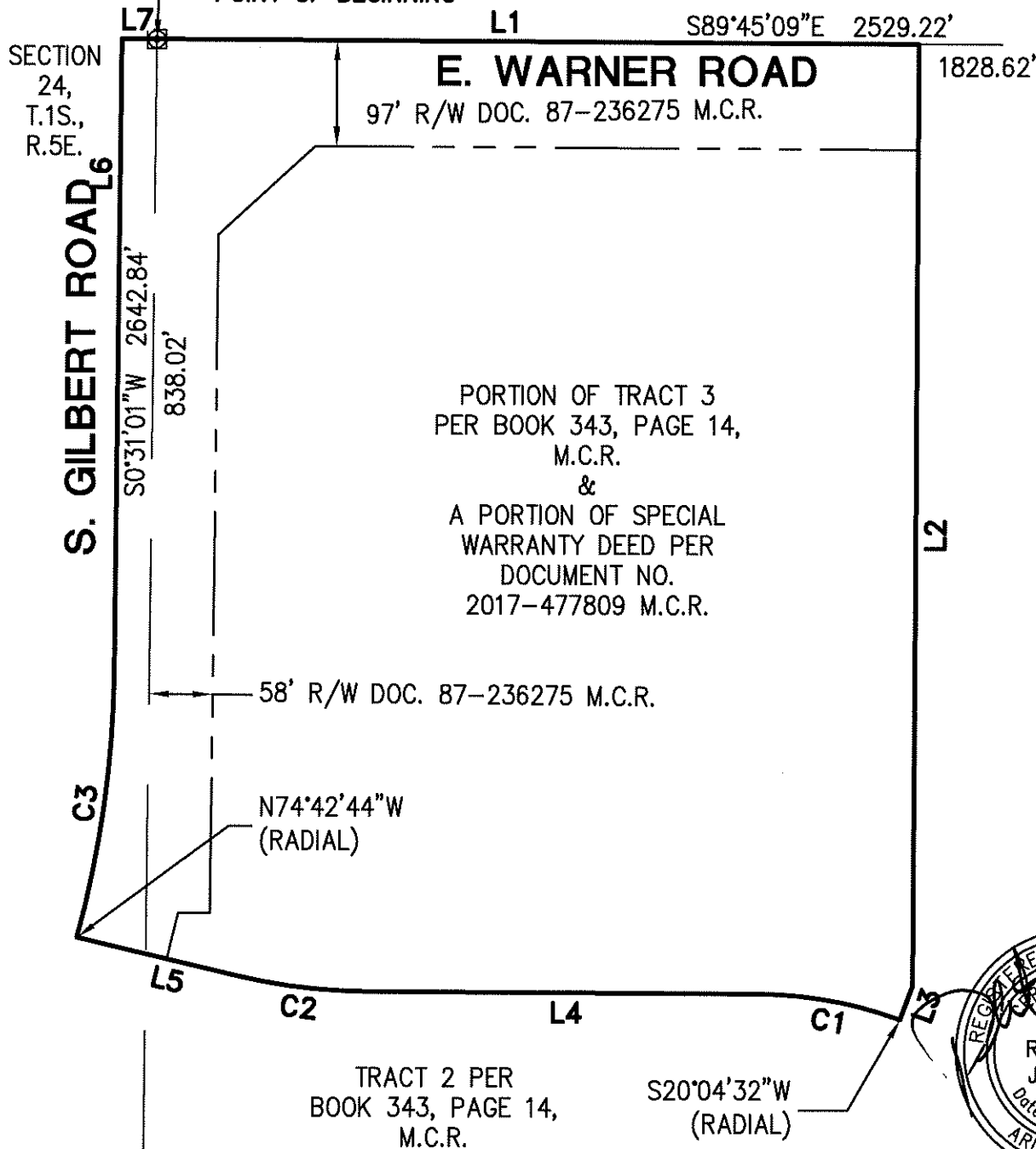
The description shown hereon is not to be used to violate any subdivision regulation of the state, county and/or municipality or any land division restrictions.

Prepared by: HILGARTWILSON, LLC
2141 E. Highland Avenue, Suite 250
Phoenix, AZ 85016
Project No. 1814
Date: February 2018




NORTH 1/4 CORNER SECTION 19,
T.1S., R.6E., G.&S.R.&M.;
FOUND BRASS CAP IN HAND HOLE

NORTHWEST CORNER SECTION 19,
T.1S., R.6E., G.&S.R.&M.;
FOUND BRASS CAP IN HAND HOLE
POINT OF BEGINNING



PAGE 1 OF 2

PROJ.NO.: 1814	AZ GILBERT HOLDINGS, NORTHWEST PARCEL S.E.C. WARNER RD. & GILBERT RD. GILBERT, ARIZONA GROSS BOUNDARY EXHIBIT	 HILGARTWILSON 2141 E. HIGHLAND AVE., STE. 250 PHOENIX, AZ 85016 P: 602.490.0535 / F: 602.368.2436
DATE: FEB 2018		
SCALE: N.T.S.		
DRAWN BY: GS		
CHECKED BY: RAJ		

**Z17-1021 Gilbert Town Center
Attachment 5: Development Plan (Z17-1021)
March 7, 2018**



Gilbert & Warner
Town of Gilbert, Arizona

Town of Gilbert, Arizona

PROJECT DESCRIPTION

A NEW SHOPPING CENTER ON +/-10.9 AC TO BE BUILT IN PHASES. PHASE I TO CONSIST OF MAJOR A (2 STY HEALTH CLUB) AND SHOPS A & B

PROJECT INFORMATION

Project Name	SEC Gilbert and Warner
Project Address	SEC Gilbert Rd and Warner Rd Town of Gilbert, Arizona
Owner	Remington Nevada 2701 E Camelback Rd, Suite 173 Phoenix, AZ 85016 Contact: Stephen Herman Tel: 602-859-1502 Email: seh@thecapitalcos.com
Architect	SUITE 6 architecture + planning 6111 N. Cattletrack Road Scottsdale, Arizona 85250 Tel: 480-348-7800 Email: dean@suite6.net

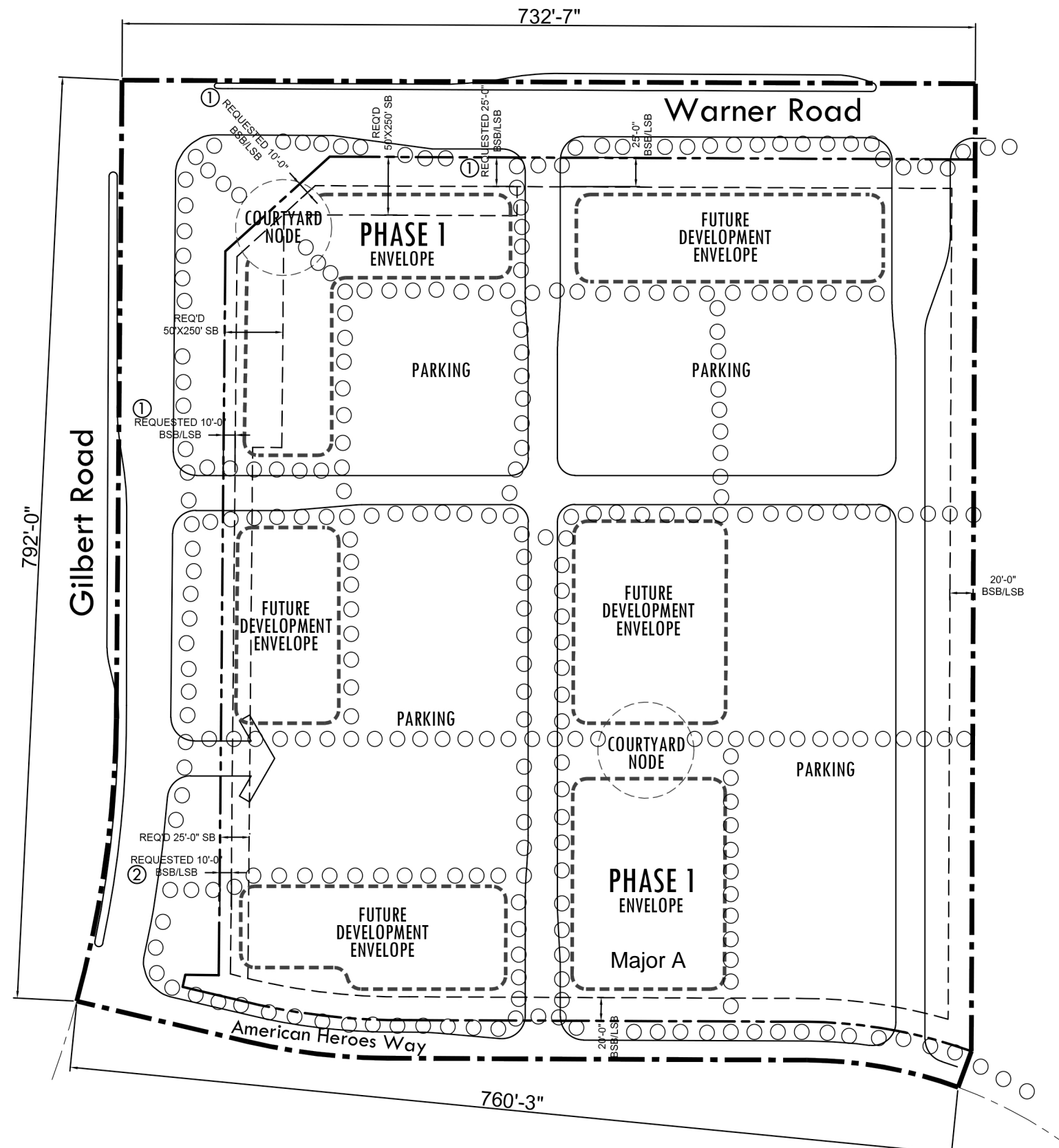
SITE DATA

Existing Zoning		RC-PAD
Overall Property	GROSS: 504,308 sf (11.57 ac)	
	NET: 474,794 sf (10.90 ac)	

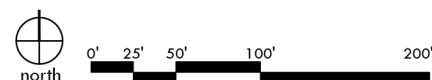
Total GLA		(All Phases)	93,500
Lot Coverage			17%

PAD DEVIATIONS

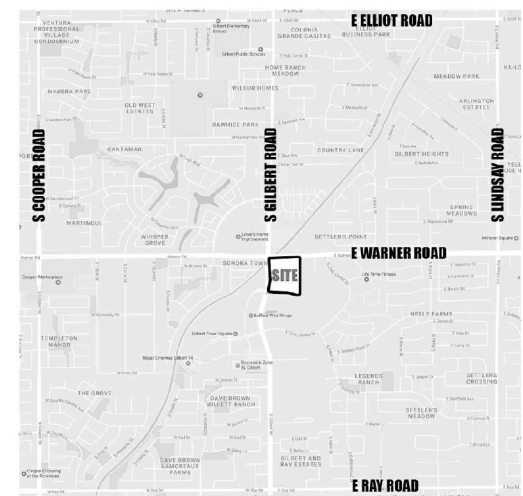
- ① Reduce corner setbacks from 50' x 250' to 10' along Gilbert Road, 10' at the corner and 25' along Warner Road.
- ② Reduce landscape and building setback along Gilbert Road from 25' to 10'



Development Plan Exhibit



○○○ Pedestrian Pathways



Vicinity Map n.t.s.



DPE

Z17-1021 Gilbert Town Center
Attachment 6: Existing Development Plan to be amended
March 7, 2018

Gilbert Town Center PAD

Development Plan

Case: Z13-08

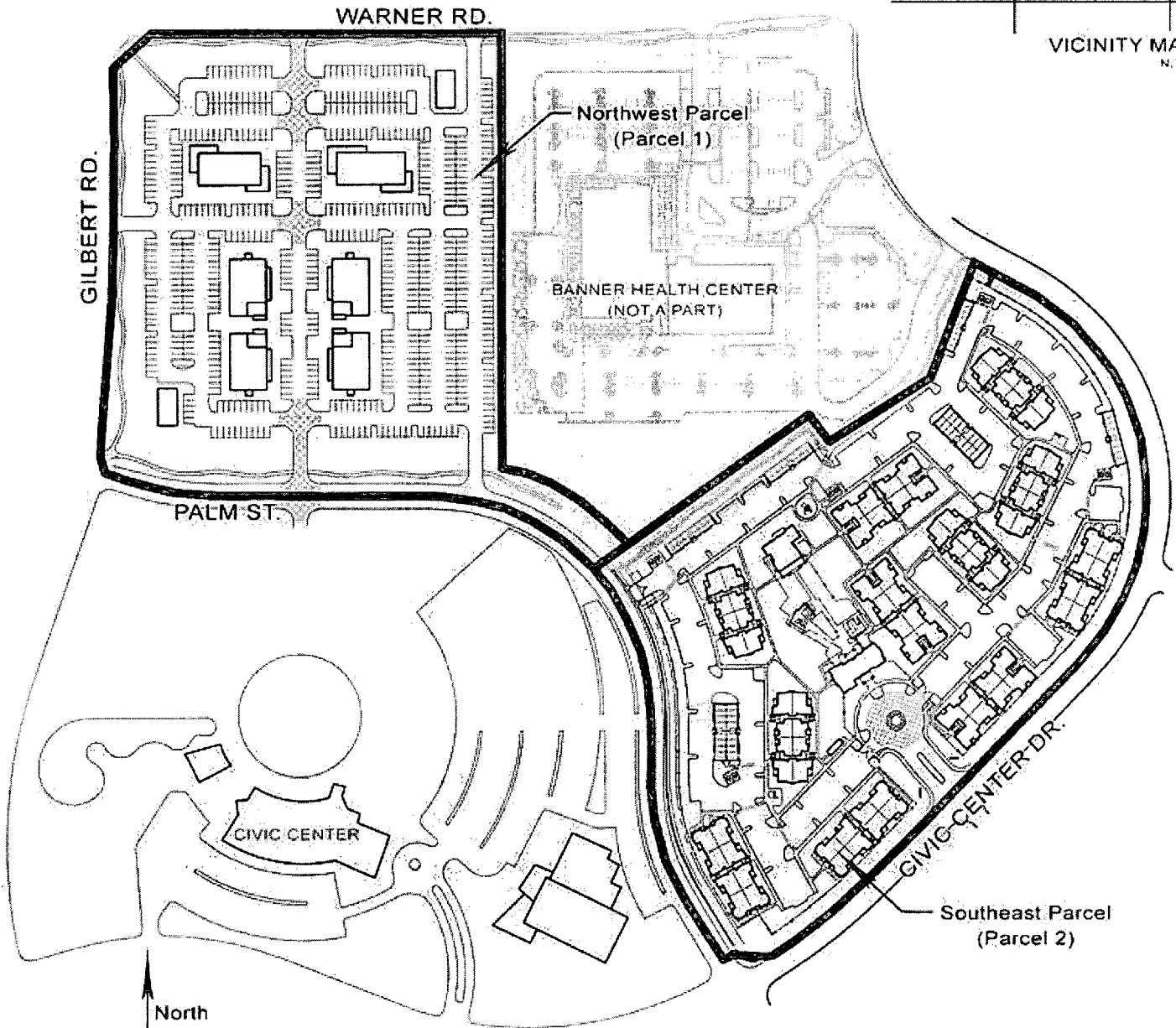
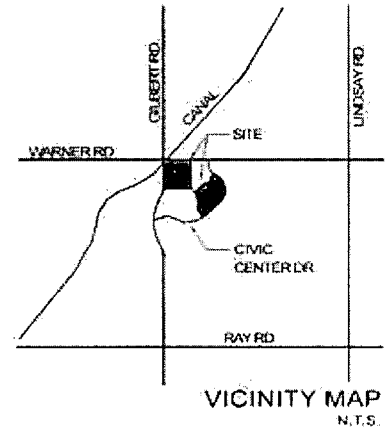
Project Data

Northwest Parcel (Parcel 1): 11.58 Net Acres
 Southeast Parcel (Parcel 2): 13.72 Net Acres

Total Site Area: 25.30 Net Acres
 General Plan Designation: RC
 Current Zoning: RC w/ PAD Overlay
 Proposed Zoning: RC w/PAD Overlay (Amended)

Property Owner

AZ Gilbert Holdings LLC/
 Lehman Brothers Holdings, Inc.
 3224 Peachtree Road, Suite 2200
 Atlanta, GA 30326-1156
 Contact: Christopher Bley
 Phone: 310-500-3534



PAD Table

Northwest Parcel (Parcel 1) - Development Standards: RC (Per LDC with no PAD modifications.)
 Southeast Parcel (Parcel 2) - Development Standards: RC (Per LDC with the following PAD modifications.)

1. No Building Step-back

2. Building/Landscape Setbacks:

Front (Civic Center)

Proposed Bldg.

10'

Proposed Landscape*

20' **Z13-08**

Rear (Banner)

20'

Attachment 3: Zoning Ordinance

Side (Palm Street)

10'

Exhibit 3 Development Plan

*Except where there are buildings then per proposed bldg. setback.

November 13, 2014

Comment/Question: Joshua Oehler stated that he is one of the architects serving on the Commission. He said that he drives by this area all the time and sees the empty lots, so he applauds the developer for coming back and trying to do an infill project. He also said he can understand the difficulty in having a set of drawings that you are trying to recreate, without having the actual drawings. He also said he understands that they would want to add their own nuances to the design. He said if this design was coming to the Commission today, it would have a whole different type of look and it would have many issues that they would have to deal with. He said he doesn't think a design like this one, would start off in front of the Commission at this point in time, so it is difficult to try and match what is there. He said the reason this design is working is because of all the character in the building. He said the character of what is existing is why this community works. He said he thinks the developer needs to push and strive to get to that next level as this shows a great difference in stonework. He asked to see Plan 5XA. He said this design is very bland, with cut-off roofs and punch-out windows. He said there are no ties, no lines, and no movement. He said these look like the applicant was trying to get close to the previous design and just trying to tack on the extra items. He thinks the applicant is trying, but he thinks they are far away from achieving some of the character items that make this development work.

Comment: Vice Chair Andersen said that he would agree with the other Commissioners and Staff on the elevations. He said he believes the existing development has set a strong precedent and they need to tweak what has been presented and add a little more to achieve a level that meets the existing development. He thinks they can achieve this by putting more detail into the elevations.

**7 .Z17-1021 GILBERT TOWN CENTER: REQUEST TO AMEND
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APPROXIMATELY 14.69 ACRES OF REAL PROPERTY GENERALLY
LOCATED AT THE SOUTHEAST CORNER OF GILBERT AND WARNER
ROADS, CONSISTING OF APPROXIMATELY 14.69 ACRES OF
REGIONAL COMMERCIAL (RC) ZONING DISTRICT WITH A PLANNED
AREA DEVELOPMENT OVERLAY.**

**DR17-1137: GILBERT TOWN CENTER PAD: SITE PLAN, LANDSCAPING,
GRADING AND DRAINAGE, BUILDING ELEVATIONS, COLORS AND
MATERIALS AND LIGHTING FOR APPROXIMATELY 14.69 ACRES,
GENERALLY LOCATED THAT THE SOUTHEAST CORNER OF
GILBERT
AND WARNER ROADS AND ZONED REGIONAL COMMERCIAL (RC)
WITH A PLANNED AREA DEVELOPMENT (PAD) OVERLAY.**

Ashlee MacDonald began her presentation on Z17-1021 and DR17-1137, Gilbert Town Center. She said the request is to amend a portion of the PAD. She said the original PAD included the

Multi-Family component which is the Broadstone Development that exists today. She said they want to make sure that this is a quality development that draws those residents that live in the Multi-Family development to the site. She said the connection that has been provided is just south of the Banner site, since they aren't immediately adjacent to one another. She said they want to make sure this creates a good pedestrian environment and is a great center that the residents are attracted to. She said the site is currently vacant. She indicated that Banner was to the east. She said the overall site is 25 acres. She said the portion they are considering is a 14 acre portion on the corner of Gilbert and Warner Roads. She said the applicant has proposed two deviation requests (shown below in bold):

Project Data Table

Site Development Regulations	Required per LDC	Proposed
Maximum Building Height	55'	35'
Minimum Setback		
Front to ROW	25'	25'
Side to ROW	20'	10' (along Gilbert Rd)
Side to non-residential	20'	20'
Rear to non-residential	20'	20'
Minimum Landscape Setback		
Arterial Intersection	50' x 250'	10' depth along Gilbert Road 25' depth along Warner Road
Front to ROW	25'	25'
Side to ROW	20'	10' (along Gilbert Rd)
Side to non-residential	20'	20'
Rear to non-residential	20'	20'

Planner MacDonald said that in addition to the deviation requests, they are looking at an amendment to their overall Development Plan. She called attention to the Development Plan which was approved when they received approval of their PAD and the Use Permit which allowed Multi-Family in Regional Commercial. She said this Development Plan showed office type uses clustered towards the center of the site with a couple of PAD sites, one along Gilbert Road and one along Warner Road. She said they are looking at an amendment to that Development Plan with this PAD amendment. She said the other request with this is for a deviation for the arterial intersection landscape requirement. She said Code requires a 50' x 250' landscape corner. She said they are proposing a 10' x 250' landscape setback along Gilbert Road and 25' depth along Warner Road. She said that some of the reasons that the applicant feels would justify this request is the larger than normal right-of-way along Warner Road. She pointed out that there are utilities, as well as a canal along that road, which would result in a net landscaping of 43'. She acknowledged that this was still shy of the required 50' but was still a lot closer than the 10' that is listed. She said they are also requesting a reduction of the setback along Gilbert Road to bring the buildings closer to the street. She said they are proposing a pedestrian node on the corner. She said the net effect of the landscaping within that 250' of the

arterial intersection, from a square footage perspective, is about the same. She said the question before the Commission is whether this provides the same kind of visual that they are looking for and if this change would meet the intent. She said they are also requesting a building setback of 10' along Gilbert Road to reduce the setback to draw those buildings closer towards the roadway to activate the pedestrian environment. Planner MacDonald then discussed access and connections. She shared the connection to the apartments that they are maintaining. She said that Staff has tried to work with the applicant to make sure that this is a very pedestrian friendly development. She said they are proposing two drive-through's on the site, so there is a traffic component to it. She said they really wanted to make sure that as people make their way to the site that they are able to navigate through it well. She showed the location of the two proposed pedestrian nodes. She shared the Site Plan, noting that Shops A and B at the corner are part of Phase I, as is Major A. She said they have a number of access points: two along Gilbert, two along Warner and one along American Heroes Way. She said the traffic report is still under review, so the turning movements at the intersections have not been finalized yet. She shared the Landscape Plan. She said they are also proposing some hardscape amenities like pavers, pedestrian pathways and seat walls. She said there is some question as to where the seat walls will be located. Staff wants to make sure that within the pedestrian nodes there are some landing spots for people to sit and spend some time. She shared the Building Elevations, noting that they are very contemporary with a lot of vertical movement.

Planner MacDonald shared some renderings that showed the proposed design. She said there are still some outstanding questions about some of the materials they are proposing. She shared the Colors and Materials board. She finished her presentation and asked for feedback on the deviation requests, whether the site is integrated with the Multi-Family and if the Commission believes it will draw pedestrians to the site, as well as overall feedback on the architecture. She said the applicant is requesting CD's at-risk.

Comment/Question: David Cavenee said he is excited about this project and has been waiting for it to come before the Commission. He said he thinks it is key to decide what to do with the setbacks around the intersection. He said he has tried to understand the surrounding area to determine the need for this request. He said there is commercial development across the street and he doesn't think that is going to tailor what happens on this side of the street, because it is a wide road and it is offset a bit, so he didn't think they really needed to consider that in terms of impact. He also said he doesn't think the Shell station to the north plays in either. He said he doesn't see any impact from the existing properties that would drive them to maintain the larger setback. He said he feels that bringing these buildings closer to the street could be beneficial from a pedestrian perspective. However, he said he thinks the intersection is a hard intersection because of its heavy use. He asked about the trail system that comes in at an angle. He asked how that trail crosses the street and if they are required to come up to the intersection and cross at the crosswalk or if there was some other crossing location to reach the pedestrian node that has been created.

Answer: Ashlee MacDonald said it was her understanding that they must cross at the intersection.

Comment: David Cavenee restated that they would work their way up to the intersection and then cross and work their way into the development. He said his initial comments regarding the setbacks is that he was agreeable to the deviation as long as they create the pedestrian node. He said it is greenscaped nicely and is an attractive corner, so he thought it was fine to bring those buildings in toward the street and work the corner a little better. In terms of the architecture, he said that one of the things they anticipated when they got the first half of this mixed-use project, was that it would correlate with the other half of the mixed-use project in terms of finishes, materials, colors and architecture. He said he sees no relevance to the existing mixed-use. He said he thought that needed some work. He said he didn't think it needed to be exact, but he thought that because it is considered a mixed-use development and is linked with the path between the two, that it ought to be connected in that way also. He said this had been suggested at the time of initial submission of the apartments. He said that it was also supposed to translate into other signage type elements. He thought they needed to see that and make sure it correlates. He said he hasn't seen a lot in the packet regarding the trail, but he thinks they need to find a way to make the trail more enticing and more user friendly. He thinks it is currently just a gravel trail. He said as it is, it may not be enough motivation to push people from the apartment complex up into the development. He said overall, he doesn't mind the modern architecture and said he thought it would tie into the surrounding area quite nicely. He said he thought it could use more of a correlation to the apartments and they could bring more enthusiasm to some of the elements and materials.

Comment/Question: Joshua Oehler said he has also been waiting for this project to come before the Commission, noting that he was on the Commission when this came through previously as a mixed-use development. He said at that time, they proposed this as an idea, but it wasn't what they were proposing and they were told a whole new idea would come to them at a later date. He asked if the Development Plan was a placeholder or if it was what they are trying to design around.

Answer: Ashlee MacDonald said that the Development Plan that she presented to the Commissioners was part of the Ordinance as the Development Plan. She said they are looking to amend that to incorporate something similar to this. She said they haven't necessarily laid out the PAD sites, but they are looking to reconfigure the buildings to allow them to go closer to the street, versus being laid out in a centralized fashion like they were in the original plan.

Comment: Joshua Oehler said he also didn't have an issue with the setback deviation, but he said his issue is that the trail path was promoted as a key element for connectivity between the two portions. He said it looks like the trail path goes to the sidewalk and then the sidewalk comes across and it is any other typical shopping center connection. He said he envisioned that the trail path would have a linear diagonal turn back into the center with full pedestrian connectivity, because it was originally brought to them as mixed-use. He said right now, the trail

path comes right into a parking lot and there is no connectivity on that corner. He said he isn't seeing the connectivity that he desires at all. He said he sees that they are trying to show how they are connecting in the right-of-way and taking the sidewalk, but he doesn't see how it connects back into the site. He said that is his concern on the site itself. In regards to the architecture, he also said they were told they would have like architecture, like signage, and like vegetation, so that when you looked from one property to the other, it would feel like it was one property. He isn't saying that they have to look alike and have the same exact design, but he thinks they need to carry some of the elements and materials through. He said right now all he sees is stucco and some metal awnings. He said they need some variation in materials on the building. He said there is no materials used, only stucco. He said he doesn't have a problem with the architecture itself and the modern design, but when you do modern, you have to pay attention to the lines and the materials, because the materials are what drive a modern, sleek design. He stated that if you get to a very basic stucco and just have boxes, it looks cheap. He said they need to get some variation into the material use and how it works and how it connects back to the other property. He said they also haven't talked about the connectivity of the two properties in terms of signage. He said he likes that they have some movement of 1- and 2-story designs and he is glad to see some movement in the buildings themselves. He said he really wants to see the connectivity between the two components because that was what was sold to the Commission previously, which allowed the apartments to come through the first time and he thinks the applicant has completely ignored that fact.

Vice Chair Andersen recessed the Study Session at 6:02 p.m. He said they would reconvene the Study Session after the Regular Meeting of the Planning Commission. He told the members of the audience that there would be a short break and they would begin the Regular Meeting at 6:10 p.m.

Vice Chair Andersen reconvened the Study Session at 6:24 p.m.

8. ST17-1011, LAKEVIEW TRAILS: FOUR (4) NEW STANDARD PLANS (1, 2, 3 AND 4) BY MARACAY HOMES, LLC ON LOTS 269-360, GENERALLY LOCATED NORTHWEST CORNER OF WARNER AND RECKER ROADS AND ZONED SINGLE FAMILY - 8 (SF-8) ZONING DISTRICT WITH A PLANNED AREA DEVELOPMENT OVERLAY.

Gilbert Olgin began his presentation on ST17-1011, Lakeview Trails Parcel D. He shared the location of the project at the northwest corner of Warner and Recker Roads. He said the site is bordered by other Lakeview Trails subdivisions to the north, east and west. He said directly across the street from the site is a fire station. He stated that the property is zoned Single Family – 8 (SF-8). He introduced four new standard plans for 92 single family lots. He said the architectural themes include Ranch, Transitional Farmhouse with Modern Elements and Prairie. He said the homes range from just under 3,000 square feet to almost 5,000 square feet. He said the project will include both single story and 2-story homes. He shared some of the details of the